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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 LEE MAX BARNETT,

12 Petitioner,

13 vs.

14 MICHAEL MARTEL¹,

15 Respondent.
16 _____/

No. CIV S-99-2416-JAM-CMK

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. A case management conference in this matter is
19 currently scheduled for April 6, 2011, at 10:00 a.m., followed by an ex parte budget conference.
20 However, due to the recent extension of time for filing the answer, and the subsequent time for
21 filing a traverse, if necessary, and reply as contemplated in the court's August 6, 2010, order, the
22 court finds it necessary to reset the case management conference until such time as those filings
23 have been completed.
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25 ¹ Michael Martel is now the acting warden at San Quentin State Prison. Pursuant to
26 Federal Rule of Civil Procedure 25(d), Michael Martel is substituted for his predecessor. The
Clerk of the Court will be directed to update the docket to reflect the above caption.

1 The court will therefore reset the case management conference for August 31,
2 2011, at 1:30 p.m., and the ex parte budget conference will follow. The parties are directed to
3 file a case management conference statement two weeks prior to the conference, and petitioner
4 shall file a proposed Phase III budget, to be filed under seal, by August 13, 2011. The parties are
5 reminded that telephonic appearances are permitted.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Clerk of the Court shall update the docket to reflect the substitution of
8 the Respondent as set forth in the above caption;

9 2. The case management conference set for April 6, 2011, is rescheduled for
10 August 31, 2011, at 1:30 p.m., before the undersigned in Redding, California;

11 3. The ex parte budge conference is set to follow the case management
12 conference;

13 4. The parties are to file a case management conference statement two weeks
14 prior to the August 13, 2011, conference date; and

15 5. Petitioner is to file a proposed Phase III budget, under seal, by August 13,
16 2011.

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18 DATED: March 28, 2011

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20 **CRAIG M. KELLISON**
21 UNITED STATES MAGISTRATE JUDGE
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